



State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LIN-WOOD COOPERATIVE SCHOOL BOARD

Complainant

v.

LIN-WOOD TEACHERS ASSOCIATION, NEA-NH

Respondent

CASE NO. T-0348:1

DECISION NO. 83-28

APPEARANCES

Representing the Lin-Wood School Board:

Gary W. Wulf, Chief Negotiator  
Norman H. Mullen, Superintendent

Representing the Lin-Wood Teachers Association:

John Fessendent, UniServ Director, NEA-NH, Region V

BACKGROUND

On January 4, 1983, Gary W. Wulf, Chief Negotiator for the Lin-Wood School Board, filed a letter charging unfair labor practices against the Lin-Wood Teachers Association for violation of RSA 273-A:5, I (d), in that it refused to negotiate in good faith with the public employer; specifically, that on December 13, 1982, the Lin-Wood Teachers Association refused to agree to ground rules for negotiations which acknowledged the existence of a "budget submission date", under law, and refused to submit their demands to the School Board in exchange for the Administration's initial proposal.

The Association in its answer filed January 13, 1983 outlined the history of negotiations starting with their letter of intent to bargain served in September of 1982; stated that the complaint filed did not follow the proper procedure outlined in PELRB Rule 4.1; and, objected to the appearance of Chief Negotiator, Gary Wulf, on the basis that, as Vice Chancellor of the University System, a conflict existed as PELRB Chairman, Robert E. Craig was, as is, a Political Science professor at the University and such constituted a senior officer, with a right to hire, fire, promote, etc., appearing as a representative before a subordinate employee. Further, that the PELRB Counsel, Bradford E. Cook, is a member of the same law firm as Richard A. Morse, Esq. who is Acting

Chancellor of the University System and, according to the New Hampshire Bar Association Ethics Committee, "an attorney cannot appear before a board on which another member of the attorney's law firm sits".

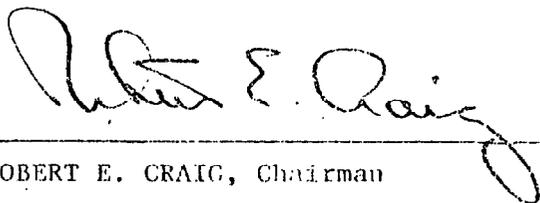
A hearing was held in the PELRB office on June 17, 1983 and after hearing the opening arguments, the following decision was rendered.

BOARD DECISION

After consideration of material before the Board and opening statements by the parties, the Board issued the following oral decision:

1. Having considered the allegations of conflict of interest, same is hereby denied.
2. The Board has taken official notice of the ongoing negotiations between the Lin-Wood Cooperative School Board and the Lin-Wood Teachers Association which has entered the factfinding state, and
3. the complaint having been improperly filed, it is

ORDERED that this complaint be and the same hereby is, dismissed.



A handwritten signature in cursive script, appearing to read "Robert E. Craig", is written over a horizontal line.

ROBERT E. CRAIG, Chairman

Signed this 8th day of July, 1983

By unanimous vote. Chairman Craig presiding, members Seymour Osman and Russell Verney present and voting. Also present, Executive Director, Evelyn C. LeBrun.